IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

TUESDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WP.No.13596 of 2006

Between:

Abdul Basith, s/o. Abdul Shukoor,
aged about 43 years, 0cc. Business,
r/o. Feroz Gandhi Nagar,
Mallepalli, Hyderabad & Ors. **… Petitioners**

Versus

The Asst.Estate Officer (lands)
AP Housing Board,
Gruhakalpa, Mukramjahi Road,
Hyderabad & Ors. **… Respondents**

Counsel for the Petitioner: **M/s. Mohd.Zia-ul-haque**

Counsel for the Respondents: **Sri J.Prabhaker**

O R D E R :

Heard the counsel.

The writ petition is filed for a writ of certiorari, calling for the records relating to the petitioners' case nos. 1271, 1303, 1268, 1313, 1362, 1260, 1259, 1311, 1498, 1270, 1321, 1379, 1538, 1304, 1314, 1318, 1261, 1320, 1323, 1252, 1255, 1306, 1262, 1302, 1250, 1371, 1323, 1496, 1322, 1538, 1269, 1279, 1352, 1277, 1326, 1280 and 1272 of 1983 dated 22-4-2006 from the Court of the Competent Authority, North and Western Divisions, AP Housing Board, Hyderabad and quash the same by declaring the impugned order passed in the above appeals as illegal, ultravires, nonest and contrary to the principles of natural justice and to pass such other suitable orders.

It is stated that the petitioners are the owners and possessors of their respective houses and plots mentioning the details of which had been furnished. The other proceedings had been referred to.

Sri Prabhakar, the learned standing counsel representing housing board states that as against these orders appeals lie under section 55 of the AP Housing Board Act to the Chief Judge, City Civil Court, Hyderabad.

However, the learned counsel for the petitioners would submit that since no time is fixed at any time, the petitioners may be thrown out.

On the contrary, Sri Prabhakar had taken a stand that these are all only encroachers.

It is also stated that in-as-much-as these orders are dated 24-2-2006, the petitioners had sufficient time to approach the appellate authority but having not availed the said remedy they are approaching this court at a belated stage.

In the peculiar facts and circumstances and taking into consideration the averments made in the affidavit filed in support of the writ petition, the petitioners are given liberty to approach the appellate authority and obtained appropriate orders. However, the respondents to maintain Statusquo obtaining as on today for a period of four weeks.

The observations, if any, made by this court would not come in the way of the appellate court considering the question of limitation.

July 6th, 2006. ----------

Is L. P . S . NARAYANA , J